THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 22320 OF 2005

Dated: 27-10-2005

Between:

M.Kishan ..Petitioner

A N D

1.The District Panchayat Officer

and Member convenor, Khammam ,

Khammam District and Others …Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 22320 OF 2005

O R D E R :

1. This writ petition has been filed by M.Kishan with a prayer to issue a writ of

mandamus declaring the action of the District Panchayat Officer and Member Convenor, Khammam- respondent No.1 in not extending the time for removal of sand in terms of notification RC No. P3/2066/2004, dated 26-04-2005 and proceedings in RC No. P3/2066/2004, dt. 18-08-2005 as illegal, arbitrary and unconstitutional.

2. The petitioner is successful bidder in pursuance to tender notification dated 26-04-2005 for removal of sand formations in Patta agricultural lands in Block No.2, Sy.No.16, Rangapuram village, Palvancha Mandal, Khammam District. Some successful bidders filed W.P.No. 10958 of 2005 and obtained stay on 03-05-2005. As such, the department did not enter into agreement with the petitioner. The stay granted in W.P.No.10958 of 2005 came to be vacated on 06-07-2005. The department issued proceedings on 18-8-2005 permitting the petitioner to lift the sand.

3. It is the contention of the petitioner that by the time the department issued proceedings rainy season has been set in and thereby lifting of sand became impossible. Therefore, he submitted representation on 27-09-2005 seeking extension of time for removal of the sand. Since, no order has been passed on the said representation by the respondents, the petitioner has chosen to approach this Court by invoking jurisdiction under Article 226 of the Constitution of India.

4. Heard learned counsel for the petitioner and learned Government Pleader for Panchayath Raj for respondents.

5. It is the contention of the petitioner that the entrustment of work has been delayed because of the stay granted in some other writ petition and subsequently sand could not be lifted because of setting of rainy season and therefore, a representation has been submitted by the petitioner on 27-9-2005 seeking extension of time.

6. The factual aspect of the petitioner representing the representation on 27-09-2005 is not controverted by the respondents. In that view of the matter, I deem it appropriate to direct the 1st respondent to consider the representation of the petitioner submitted on 27-09-2005 and pass appropriate orders within a month from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above observation. No order as to costs.

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B.Seshasayana Reddy,J

27th October, 2005

C.C. in a week

B/o

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W.P.No. 22320 OF 2005

27th October, 2005.